

**SCREENING FORM FOR LOW-EFFECT HCP DETERMINATIONS  
and Environmental Action Statement**

**I. Project Information**

- A. **Project name:** Low-Effect Habitat Conservation Plan for the Bay Checkerspot Butterfly, Santa Clara Valley Dudleya, and Serpentine Grassland, Santa Clara County, California.
- B. **Affected species:** Endangered Santa Clara County Valley dudleya (*Dudleya setchellii*), threatened Bay checkerspot butterfly (*Euphydryas editha bayensis*), threatened California red-legged frog (*Rana aurora draytonii*), threatened California tiger salamander (*Ambystoma californiense*), and the most beautiful jewelflower (*Streptanthus albidus* ssp. *peramoenus*).
- C. **Project size:** 9.2 acres.
- D. **Brief project description:** The proposed project is the development of a single-family residence and related facilities on lot 23 in the Calero Lake Estates subdivision; the majority of the subdivision is currently undeveloped. The parcel is 9.2 acres and is located in Santa Clara County, California. The proposed development includes 0.70 acres of hardscape, including driveway, footprint of the new single-family residence, detached garage, underground utilities, and landscaped areas. The proposed project also includes a 0.63 acre septic leach field and the onsite protection and management of 6.8 acres of serpentine grassland. A management plan for the 6.8 acres will be developed in conjunction with the Service prior to completion of the proposed project. The final management plan will be submitted to the Service for approval. The plan will include a vegetation management strategy utilizing cattle, goats, or manual removal (hand removal, mowing, and use of trimmers) of non-native vegetation. If grazing is implemented, the management plan will also include a manure management plan. The management plan will include an adaptive management component to allow for changes in grazing animals, density of grazers, timing of treatments, and changes in mechanical removal of non-native vegetation. The project will result in the permanent loss of 1.33 acres of serpentine grassland and protection, enhancement, and management of 6.8 acres.
- E. **Minimization and Mitigation Plans:** The Applicant will minimize affects from the proposed project to the Covered Species by implementing the following minimization measures: (1) a qualified biologist (Service approved) will be onsite throughout the construction period when grading and earthwork is in progress; (2) all project related traffic, parking, and staging will be confined to existing paved roads or the 0.70 acre footprint of the proposed residence; (3) a qualified biologist (Service approved) will conduct a training session for all persons who will be working on-site prior to the start of the project (training will include a presentation by the biologist on the biology of the Covered Species, measures required to protect them, relevant federal and state

regulations, and the penalties for violating them); (4) prior to initiation of work activities, temporary exclusion fencing will be erected to restrict heavy equipment, vehicles, and construction to the 1.33 acres of permanent impact; (5) prior to initiation of construction activities, all Santa Clara Valley dudleya within the 1.33 acre of permanent impacts will be salvaged and transplanted to the 6.8 acre protected area; (6) ground disturbance will be restricted to the period of July 1 to November 30 (generally the dry season), unless otherwise authorized by the Service; (7) all food and food-related trash items will be enclosed in sealed trash containers and removed from the site once every three days; and (8) no pets will be allowed in the project site during construction. In addition, the applicant will mitigate for the loss of 1.33 acres of habitat for the Covered Species at a 5:1 ratio by permanently protecting, enhancing, and managing 6.8 acres of on-site serpentine grassland.

## **II. Does the HCP fit the low-effect criteria in the HCP Handbook?**

### **A. Are the effects of the HCP minor or negligible on Federally listed, proposed, or candidate species and their habitats covered under the HCP prior to implementation of the mitigation plan?**

Yes. All 1.33 acres of the proposed development area, is located within a previously graded portion of the property that has been maintained as bare rocky ground as a result of extensive illegal use by off road vehicles. Much of the 9.2 acre parcel experiences a high amount of illegal trash dumping. Trash recently dumped on-site has included a burnt car, old refrigerator, discarded fencing and wiring, discarded paper, sheet metal, and wood debris. Trespassers also frequently remove serpentine rocks from the site. Three occurrences of Santa Clara Valley dudleya are located within the 0.70 acre footprint of the proposed single family residence and one is located within the 0.63 acres footprint of the proposed septic leach field. Eleven occurrences of Santa Clara Valley dudleya are located within the 6.8 acre preserve. No small mammal burrows were observed within the 1.33 acre project footprint during a site visit conducted by Service biologists in September 2008, likely due to previous grading and frequent use of the area by off road vehicles. The proposed project is outside the urban growth boundary for the City of San Jose, but is within the City's sphere of influence. The proposed project area is currently zoned as hillside (HS) by Santa Clara County. According to the Santa Clara County Zoning Ordinance (2008), the HS designation is to preserve mountainous areas unplanned or unsuited for urban development primarily in open space and density is restricted to one residence per 10 acres.

Overall habitat quality within the 1.33 acre development footprint is low (due to previous grading, current illegal off road vehicle use, illegal trash dumping, and removal of serpentine rocks). Based on aerial photographs, grading has occurred on the site at least twice, once prior to 1998 (likely during the initial construction of roads within the 27 lot Calero Lake Estates), and again between 1998 and 2007. The graded area is approximately 3.70 acres in size and encompasses the footprint of the proposed residence and septic leach field. A June 2007 aerial photograph depicts numerous tracks and

erosion resulting from off road vehicle use throughout the graded area. No small mammal burrows were observed by Service biologists during a site visit in September 2008 within the graded area. No wetlands or other aquatic features are present within or adjacent to the 9.2 ac parcel. The project area is bordered to the west and north by Country View Drive and to the south by County View Lane.

In 1992, H.T. Harvey and Associates (1992) conducted surveys for Bay checkerspot butterflies throughout the 270 acre (27 lots) Calero Lake Estates, but no butterflies were observed; however, these surveys were conducted in May and July, which is generally outside of the butterfly's flight season. The report stated that stands of the butterfly's primary larval host plant (*Plantago erecta*) were observed on seven lots (lots 15 and 19-24). In 1998, H.T. Harvey and Associates (1998) conducted a second Bay checkerspot butterfly survey throughout all 27 lots and observed the butterfly's larval host plant in 17 lots (lots 8 and 13-25). The report also observed two larval Bay checkerspot butterflies in lot 23 and one larvae and one adult in lot 24. The survey examined vegetative communities throughout all 27 lots and reported 322 individual Santa Clara Valley dudleya plants and 1.31 acres of most beautiful jewelflower present within lot 23. The highest density of dudleya was observed in adjacent lot 24 (445 individual plants). A map depicting the location of dudleya, jewelflower, and *P. erecta* was provided in the 1998 survey report (H.T. Harvey 1998). Four occurrences of dudleya were located within the 1.33 acre footprint of permanent impacts, while 11 occurrences were located within the 6.8 acre preserve. All occurrences of most beautiful jewelflower were located within the 6.8 acres preserve near the base of the hillside. No dudleya were observed within the graded area during Service's 2008 site visit.

Project related effects on the Bay checkerspot butterfly, Santa Clara Valley dudleya, California tiger salamander, California red-legged frog, and most beautiful jewelflower within the 1.33 acre footprint of the residence and leach field will be permanent in nature, but the effects would be minor due to the small amount of habitat being permanently lost, low density of small mammal burrows throughout the graded portion of the site (no burrows were observed during the Service's September 2008 site visit), and the use of the graded portion of the site as an illegal off road vehicle course, which has maintained the site as bare ground.

Critical habitat totaling 18,293 acres has been designated for the Bay checkerspot butterfly (Service 2008). The proposed project is located within Unit 7 (Santa Teresa Hills Unit), which is comprised of 3,278 acres (Service 2008). The proposed project will result in permanent loss of 1.33 acres or 0.0004 percent of Unit 7 or 0.00007 percent of all designated critical habitat for the Bay checkerspot butterfly. The fraction of a percent loss is not expected to appreciably diminish the value of the critical habitat for the Bay checkerspot butterfly, or prevent critical habitat from sustaining its role in the conservation and recovery of the species and the protection, management, and enhancement of the preserve is expected to improve the quality of 6.8 acres of critical habitat or 0.21 percent of Unit 7.

**B. Are the effects of the HCP minor or negligible on other environmental values or resources (e.g. air quality, geology and soils, water quality and quantity, socio-economic, cultural resources, recreation, visual resources, etc.) prior to implementation of the mitigation plan?**

Yes. Implementation of the proposed project would not create new stationary sources of air emissions, or new land uses that would generate substantial operational emissions. Operational emissions associated with the proposed project are expected to result from vegetation management, maintenance of the residence and related buildings, and increased traffic to and from the residence. Direct, intermittent operational emissions could result from exhaust emissions from mowing, dust from mowing or other vegetation management activities, or emissions associated with maintenance of infrastructure. Indirect operational emissions associated with minor increases in vehicle traffic over current traffic levels. The resulting direct and indirect operational emissions due to increased vehicle traffic and other operations and maintenance activities would be expected to have a negligible effect on ambient air quality. There are potential effects related to erosion and storm water runoff; however, these effects are expected to be lower than the effects from existing erosion resulting from illegal off road vehicle use and implementation of the proposed project should improve reduce erosion and storm water runoff. Although a cultural resources review has not been conducted for the proposed property, lot 23, reviews have been conducted for adjacent lots, including lot 25. According to information provided by the Northwest Information Center (2007), no recorded Native American or historic period archaeological resources in adjacent lots and the likelihood that unrecorded Native American cultural resources or historic period archaeological resources are present is low. Based on our review of the information provided by the Northwest Information Center (2007), effects of the proposed project on cultural resources will be minor or negligible. The proposed project would have minor effects on recreation, since the construction of the single family residence is expected to eliminate the illegal off road vehicle use at the site. The surrounding area is primarily undeveloped grazing land and the proposed residence is located approximately 0.53 miles north of McKean Road, which is designated a scenic road and is located north of Calero Reservoir and south of Santa Teresa County Park. There are approximately eight existing single family residences within a 0.60 mile radius of the proposed project and between the proposed project and McKean Road. The 0.60 mile radius encompasses approximately 722 acres, which is approximately one residence per 90 acres. The construction of the proposed single family residence is not expected to degrade existing visual and aesthetic resources.

Although not anticipated, it is possible that previously unidentified cultural resources may become apparent during construction activities. Should this occur, all construction activity in the area would cease until a cultural resources specialist evaluates the significance of the finding..

**C. Would the impacts of this HCP, considered together with the impacts of other past, present and reasonably foreseeable similarly situated projects not result, over time,**

**in cumulative effects to environmental values or resources which would be considered significant?**

Yes. The proposed project would result in minor permanent effects to Bay checkerspot butterfly, California red-legged frog, California tiger salamander, most beautiful jewelflower, and Santa Clara Valley dudleya habitat. Present and future projects adjacent to the project area must include, when appropriate, mitigation measures for these species; therefore, no additional development will occur without assurances that effects to these listed species are appropriately addressed.

**III. Do any of the exceptions to categorical exclusions apply to this HCP? (from 516 DM 2.3, Appendix 2)**

**Would implementation of the HCP:**

**A. Have significant adverse effects on public health or safety?**

The project site is small and stormwater pollution prevention and stormwater management plans will be implemented. The site is located within the Shannon Earthquake Fault Zone. According to the California Geological Survey (CAGS 2003a; 2003b) there have been no documented areas of liquefaction in the Santa Teresa Hills Quadrangle. The project site is located within an area with a high probability of earthquake induced landslide (CAGS 2003a; 2003b); however, according to the Santa Clara County Clearance Record (1977) it does not pose “an unusual risk to low-density development” (Santa Clara County 1977). Emergency secondary access roads were constructed by previous land owners, and emergency access to Calero Lake Estates was provided during initial road construction in the early 1980s, through connection of Country View Drive with a dirt access road in Santa Teresa County Park. The project will, therefore, have no adverse impacts on public health and safety.

**B. Have adverse effects on such unique geographic characteristics as historic or cultural resources, park, recreation or refuge lands, wilderness areas, wild or scenic rivers, sole or principal drinking water aquifers, prime farmlands, wetlands, floodplains, or ecologically significant or critical areas, including those listed on the Department's National Register of Natural Landmarks?**

No. No geographic characteristics such as refuge lands, wilderness areas, wild or scenic rivers, principal drinking water aquifers, floodplains, wetlands, or ecologically significant areas occur within the project area. According to the California Division of Land and Resource Protection (2004), while the entire project area is designated as grazing, there are no prime farmland, farmland of statewide or local importance, or unique farmland occurring within or adjacent to the action area; therefore, none will be affected.

**C. Have highly controversial environmental effects?**

No. No substantial disputes exist as to the size, nature, or effect of the proposed project; the project does not have highly controversial effects.

**D. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?**

No. The proposed project would not involve significant environmental effects or involve unique or unknown environmental risks because the proposed construction activities are generally routine with predictable and negligible impacts. There are no uncertain or potentially significant impacts expected from the proposed project or the proposed HCP.

**E. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?**

No. The proposed project is within a 270 acre area that was subdivided and designated for rural development in the late 1970s. The Applicant's HCP is proposing minimization and mitigation consistent with the draft Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan (ICFJSA 2008). No significant environmental impacts are anticipated from this project. Therefore, the issuance of this permit would not establish a precedent for future actions.

**F. Be directly related to other actions with individually insignificant but cumulatively significant environmental effects?**

No. Other rural residential development has occurred adjacent to the project site. The proposed project is one of 26 residential lots in this area, but is not directly related to any actions that may occur on the other undeveloped parcels.

**G. Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places?**

No. According to information provided by the Northwest Information Center (2007), there are no state or federal historic properties in the vicinity of the proposed project area. The Service is not aware of any property, listed or eligible for listing, on the National Register of Historic Places in the Plan Area and the site does not contain any existing structures.

**H. Have adverse effects on listed or proposed species, or have adverse effects on designated Critical Habitat for these species?**

No. Although the proposed action may result in the incidental take of Bay checkerspot butterflies, California tiger salamanders, California red-legged frogs, Santa Clara Valley dudleya, and most beautiful jewelflower, any such take would result in minor or negligible effects to the persistence of the species as explained in Section II.A above. This finding will be evaluated in further detail in the Service's intraservice section 7

consultation under the Endangered Species Act. Critical habitat for the Bay checkerspot butterfly occurs within the project area; however, as described in Section II.A above The fraction of a percent loss is not expected to appreciably diminish the value of the critical habitat and the protection and management of the preserve is expected to improve the quality of critical habitat.

**I. Have adverse effects on wetlands, floodplains or be considered a water development project thus requiring compliance with either Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act?**

No. There are no floodplains, wetlands, or other aquatic bodies within the proposed project area. There are no wetlands on federal lands within the proposed project area; therefore, Executive Order 11990 does not apply. The proposed project is not a water development project; therefore the Fish and Wildlife Coordination Act does not apply.

**J. Threaten to violate a Federal, State, local or tribal law or requirement imposed for the protection of the environment?**

No. Implementation of the HCP would not violate Federal, State, local or tribal law imposed for the protection of the environment.

#### **IV. ENVIRONMENTAL ACTION STATEMENT**

Within the spirit and intent of the Council on Environmental Quality's regulations for implementing the National Environmental Policy Act (NEPA), and other statutes, orders, and policies that protect fish and wildlife resources, I have established the following administrative record. Based on the analysis above, this HCP qualifies as a "Low-Effect" HCP as defined in the U.S. Fish and Wildlife Service Habitat Conservation Planning Handbook (November 1996). The extraordinary circumstances defined in 516 DM 2 Appendix 2 were fully considered, and the proposed action does not fall within any exception to the Categorical Exclusions. This action fits categorical exclusion C(2) of 516 DM 8.5, and can be categorically excluded from NEPA as provided by 40 CFR 1508.4, 516 DM 2, and 516 DM 8. Therefore, a more extensive NEPA process is unwarranted, and no further NEPA documentation will be made.

**Other supporting documents:**

California Division of Land and Resource Protection. 2004. Santa Clara County Important Farmland Data. Available at:  
[http://redirect.conservation.ca.gov/DLRP/fmmp/product\\_page.asp](http://redirect.conservation.ca.gov/DLRP/fmmp/product_page.asp)

California Geological Survey. 2003a. Seismic hazard zone report 097: Santa Teresa Hills 7.5 minute Quadrangle, Santa Clara County, California.

California Geological Survey. 2003b. State of California seismic hazard map: Santa Teresa Hills 7.5 minute Quadrangle, Santa Clara County, California.

ICFJSA. 2008. Santa Clara Valley habitat plan: 1<sup>st</sup> administrative draft. Unpublished report submitted to the Santa Clara County Planning Office. August 1, 2008. 750+ pp.

H.T. Harvey & Associates. 1992. Calero Lake Estates Bay Checkerspot Butterfly Surveys 1992. Unpublished report submitted to Mr. Garrett Rajkovich. December 8, 1992. 26+ pp.

H.T. Harvey & Associates. 1998. Calero Lake Estates 1998 Bay Checkerspot Butterfly and Special Status Plant Surveys. Unpublished report submitted to Mr. Garrett Rajkovich. June 30, 1998. 18+ pp.

Northwest Information Center. November 14, 2007. Records search results for 22611 Country View Lane, San Jose, Santa Clara County, California.

(Service) U.S. Fish and Wildlife Service. 2008. Endangered and threatened wildlife and plants; final determination of critical habitat the bay checkerspot butterfly (*Euphydryas editha bayensis*). **Federal Register** 73: 50405-50452.

Santa Clara County. 2008. Santa Clara County zoning ordinance amendment. Report prepared for Santa Clara County. Revision February 29, 2008. 284 pp.

Signature Approval:

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Susan K. Moore  
Field Supervisor  
Sacramento Fish and Wildlife Office

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Date